

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
August 26, 2003
Draft

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Proctor followed by the Pledge of Allegiance to the Flag.

Awards and Presentation

- An informational presentation was made by Tallahassee Celtic Festival's Board of Directors. The presentation began with a bagpipe performance by Joe Ashcroft. Joyce Oakes and Gordon McCleary appeared and invited the Board and others to the three-day event beginning October 4th at Sunny Hill Farm.
- Presentation by Jaimi Morhard Regarding "Night of Champions," a Fundraiser. Ellen Eichorn, Development Coordinator for Kids, Incorporated, and Jaimi Morhard appeared before the Board and gave a brief overview and advised that a fundraiser, a silent auction and awards ceremony would be held on November 20th. They also requested financial assistance in the amount of \$5,000. Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to place the funding request from Kids, Incorporated on the September 16, 2003 agenda.
- Presentation by Todd Kocourek of Florida First Capital Finance Corporation on Small Business Economic Development for Leon County

Mr. Kocourek gave a brief explanation of the company and explained and that through an agreement with federal government the company has access to sums below market rate for capital for small businesses who are qualified. They lend primarily for commercial real estate to ensure that businesses can build, buy, or expand and also fund long useful-life equipment.

- Resolution for "Women's Equality Day" – August 26, 2003 – Commemorating the Anniversary of the Passage of the 19th Amendment to the Constitution, Granting Women the Right to Vote

Linda Milkowitz, Tallahassee NOW, and Linda Russell, League of Women's Voters, appeared to accept the resolution and extended appreciation to the Board. Ms. Milkowitz requested that the Board pass and send a resolution to the Florida Legislature supporting Florida's ratification of the Equal Rights Amendment.

Consent Agenda

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0 to approve the following Consent Agenda with the exception of Items 3, 13, 17, and 21, which were addressed as described:

1. Approval of Minutes: July 8, 2003 Regular Meeting and July 22, 2003, Regular Meeting

The Board approve the Minutes as listed.

2. Approval of Payment and Pre-Approval of Bills and Vouchers Submitted by the Clerk

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for August 26, 2003 and pre-approve payment of bills and vouchers for the period August 27, 2003 through September 15, 2003: \$11,283,061.77

3. Approval of the Realignment of \$150,000 from the County's Reserve for Contingent Liability Account for Purposes of Settlement Payment with the Centerville Rural Community Association, Inc., (CeRCA)

Commissioner Thael pulled this item, referred to Section 8 of the agreement regarding attorneys' fees and requested clarification regarding the settlement amount. He wanted to know what the County's responsibility was as it relates to reimbursement of attorneys' fees for cases where CeRCA's counsel represented multiple clients. The County Attorney explained that this settlement agreement would not exceed \$150,000; the Board could approve another settlement agreement, which also includes attorneys' fees (and could involve the same attorneys) for separate homeowners' associations for a separate matter of litigation and

would involve another figure amount. Mr. Thiele stated that he would look at billings in all cases to make sure the total amount did not exceed all of the billings combined, although it would be a bar violation to double bill.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Approve the attached budget amendment authorizing \$150,000 of the Risk Fund Contingent Liability Account be realigned for settlement payments:

4. Approval of Department of Corrections Purchase Order for Continuation of Outpatient Drug Court Treatment Services

The Board approved Option 1: Approve the Department of Corrections purchase order, budget resolution and associated budget amendment request, establishing a budget for outpatient Drug Court treatment:

5. Approval of Grant-in-Aid Agreement for the Civil Traffic Infraction Hearing Officer Program

The Board approved Option 1: Approve the Grant-in-Aid Agreement, budget resolution and associated budget amendment request, Grant-in-Aid Spending Plan and release request for the Civic Traffic Infraction Hearing Officer.

6. Approval of Agreement with the Florida Department of Community Affairs (DCA) for Acceptance of the Hazardous Materials Emergency Site Study Update Grant in the Amount of \$10,928

The Board approved Option 1: Accept the terms and conditions of the agreement for the Hazardous Materials Emergency Site Study Update Grant from the Florida Department of Community Affairs (DCA), in the amount of \$10,928 and authorize the Chairman to execute the agreement and the letter, designating the Emergency Management Director as the agreement administrator.

7. Second Quarter Status Report on 2003 Board Retreat Priorities

The Board approved Option 1: Accept the attached second quarter status report on 2003 Board Retreat Priorities and Administrative Issues:

8. Request to Schedule Joint City/County Community Redevelopment Area Meeting for September 15, 2003 from 3:00-5:00 p.m., and Reschedule the Blueprint 2000/Intergovernmental Agency Meeting to September 9, 2003 from 3:00-5:00 p.m., and Public Hearing at 6:00 p.m.

The Board approved Option 1: Approve the meeting schedule for the IA, MPO and CRA meetings as outlined in the agenda item.

9. Approval of the Resolutions Certifying the Non-ad Valorem Assessment Roll to the Tax Collector for the Arvah Branch, Brandon Woods, Country Oaks Acres, Crown Ridge, Frontier Estates, Gateshead Circle, Groveland Hills, Ida Road, Lakewood Business District, Landover Hills, Miccosukee Meadows, Ortega Drive, Pine Lakes, The Glen at Golden Eagle and Yorktown Pond Subdivisions

The Board approved Option 3: Approve the Resolutions certifying the non-ad valorem assessment roll for the Arvah Branch, Brandon Woods, Country Oaks Acres, Crown Ridge, Frontier Estates, Gateshead Circle, Groveland Hills, Ida Road, Lakewood Business District, Landover Hills, Miccosukee Meadows, Ortega Drive, Pine Lakes, The Glen at Golden Eagle, and Yorktown Pond Subdivision to the Tax Collector. See attached Resolutions Numbers R03-32 through R03-46 as described above:

10. Approval to Negotiate an Agreement with Planning Works, LLC for the Completion of the Comprehensive Plan Reform Project

The Board approved Option 1: Direct staff to negotiate an agreement with Planning Works, LLC to complete the Comprehensive Plan Reform Project.

11. Approval to Negotiate a Contract with the Strategic Planning Group to Prepare and Conduct the Market Feasibility Study for the Redevelopment of the North Florida Fairgrounds

The Board approved Options 1 and 2: 1) Direct staff to negotiate an agreement that includes M/WBE participation with Strategic Planning Group to prepare and complete a market feasibility study for the redevelopment of the North Florida Fairgrounds; 2) Authorize the Chairman to execute the contract, not exceeding the approved amount of \$55,000.

12. Approval of a Historic Preservation Grant Award Agreement to Partially Fund Historic Markers at the Chaires Community, Miccosukee Community, Old Fort Braden School and the Jacksonville, Pensacola and Mobile Railroad Freight Station (Amtrak Station)

The Board approved Option 1: Approve the Historic Preservation Grant Agreement, the attached budget resolution and budget amendment form:

13. Approval of the Human Services Grant Review Committee's Funding Recommendations for FY 2003/04 in the Amount of \$610,400

Commissioner Proctor pulled this item for discussion and stated for the record that he was disappointed to see that the City did not contribute to the Shelter while the County gave \$30,000. He was also concerned that the County did not contribute anything to the Boys and Girls Club and the Bond Health Clinic. He noted that the County already supports Kids, Incorporated with a \$35 Human Services Grant contribution.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to Options 1 and 2: 1) Approve the Human Services Grant Review Committee funding recommendations for FY 2003/2004 in the amount of \$610,400; 2) Authorize the County Administrator to execute the contracts with the funded agencies. See attached list:

14. Approval to Reallocate Funds from the FY 2002/03 Byrne Grant to Purchase Equipment for the Leon County Sheriff's Office and the Tallahassee Police Department

The Board approved Option 1: Approve the attached budget resolution and associated budget amendment form (for anti-terrorism equipment):

15. Request to Reschedule the September 23, 2003 Workshop on 2004 State and Federal Legislative Priorities to 1:30-3:00 p.m. and Schedule a Workshop on Economic Development Issues on September 23, 2003 from 3:00-4:00 p.m.

The Board approved Option 1: Direct staff to reschedule a Board Workshop on 2004 State and Federal Legislative Priorities and Economic Development Issues on the dates as listed.

16. Approval of Lease Extension for Office for Veteran Services at the Northwood Centre

The Board approved Option 1: Approve the lease extension for the Veteran Services Office with Urban America Property Management and authorize the Chairman to execute.

17. Approval of Management and Leasing Services Agreement with Advantis Real Estate Services

Commissioner Maloy pulled this item for discussion. He stated that he was concerned about the utilization of W/MBE participation in the agreement. He explained that he has since met with the property management's representative and they intend to utilize 15.5% W/MBE participation.

Mr. Rick Bateman was present to represent Atlantis Real Estate Services.

Commissioner Maloy moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to Option 1: Approve the agreement with Advantis for the Management and Leasing Services of the Bank of America (BOA) and authorize the Chairman to execute the agreement.

18. Approval to Award the Bid for Courthouse Signage to Full Moon Signs & Graphics in the Base Amount of \$164,880

The Board approved Option 1: Approve bid award to Full Moon Sign & Graphics, in the base bid amount of \$164,880 for interior ADA signage of the Leon County Courthouse and authorize the chairman to execute the agreement.

19. Authorization to Realign Risk Reserve Funds to Pay for Unanticipated Claims

The Board approved Option 1: Authorize the transfer of \$300,000 from Reserve for Future Claims (501-820-59900-596 and 501-821-59900-596) to Claims (501-821-54514-596). See attached budget amendment:

20. Update on Bradfordville Settlement Agreements

The Board approved Option 1: Accept the attached status report on the Bradfordville Settlement Agreements:

21. Approval of Proposed Leon County Procedural Policy Regarding County Improvements to Roads in the Apalachee National Forest

Commissioner Sauls pulled this item and stated that most of the County roads that this item deals with is in District 2. She stated that the OGCM (open grade coal mix) will be used on some of the roads for stabilization in the National Forest and citizens are waiting for the work to be done. Commissioner Sauls noted the difference between the County and the Forest Service policy as it relates to natural features inventory (NFI) and environmental impacts analysis (EIA). John Kraynak, Environmental Compliance, explained that the County's policy does require more review for analyzing impacts to the features than the Forest Service requires in terms of NFI and EIA. Joe Brown, Public Works, explained the cost was not substantial and the work would be done in-house.

Commissioner Rackleff moved and was duly seconded by Commissioner Thaell to approve Option 1: Approve and adopt the "Leon County Procedural Policy Regarding County Improvements to roads in the Apalachee National Forest."

Following a lengthy discussion, Commissioner Sauls moved a substitute motion, seconded by Commissioner Proctor to approve Option 2: Do not approve and adopt the "Leon County Procedural Policy regarding County Improvements to Roads in the Apalachicola National Forest." Commissioner Sauls indicated that if this item was important to the Forest Service, they should have approached the Board with a request. The motion carried 5 – 2 (Commissioners Thaell and Rackleff voted in opposition).

22. Acceptance of the Report on the Talquin Electric Wastewater Treatment Plant Near Lake Lafayette

The Board approved Option 1: Accept staff's report on the Talquin Electric Wastewater Treatment Plant (located on the southeastern edge of lower Lake Lafayette). See attachment:

23. Acceptance of a Conservation Easement from John and Kelly Pettit

The Board approved Option 1: Approve and accept for recording the conservation easement from John and Kelly Pettit for the Pettit Limited Partition Subdivision.

24. Authorization to Apply and a Resolution of Commitment for an Urban and Community Forestry Grant from the Department of Agriculture and Consumer Services

The Board approved Option 1: Authorize staff to submit an application for an Urban and Community Forestry Grant from the Department of Agriculture and Consumer Services and authorize the Chairman to sign the attached resolution (R03-31) in support of the application:

25. Authorization to Execute an Amendment to the Cooperative Agreement Between the Natural Resources Conservation Service and Leon County for the Talpeco Road Project

The Board approved Option 1: Authorize the Chairman to execute an amendment to the cooperative agreement between the Natural Resources Conservation Service and Leon County for the Talpeco Road Project.

26. Approval to Grant a Perpetual Easement Across County Property to the Boys and Girls Club of the Big Bend

The Board approved Option 1: Determine that the easement is of use only to the Boys and Girls Club due to its existing condition and its size, shape and value and authorize the Chairman to execute the easement document.

27. Acceptance of Federal Emergency Management Agency Grant for the Hazard Mitigation Grant Program Acquisition in Harbinwood Estates

The Board approved Option 1: Accept the Federal Emergency Management Agency grant for the Hazard Mitigation Grant Program acquisition in Harbinwood Estates and authorize the Chairman to execute the agreement.

28. Request to Schedule a Board Workshop on Woodville Community Center Site Location and Building Facilities Program on Tuesday, September 16, 2003 at 2:30-3:30 p.m.

The Board approved Option 1: Schedule a Board workshop on the Woodville Community Center site location and building facilities program on the date specified in the agenda.

29. Acceptance of \$45,308 from the Office of Greenways and Trails Management Grant for Improvements to Leon County Greenways

The Board approved Option 1: Accept the Office of Greenways and Trails Management Grant (DEP) Agreement #S0074 in the amount of \$45,308, authorize the Chairman to execute the agreement and approve the associated resolution and budget amendment:

30. Adoption of the Stormwater Assessment Roll and Certification to the Tax Collector

The Leon County Stormwater Utility Ordinance requires that the Board establish a stormwater fee each year. Once the fee is established, an assessment roll must be prepared showing all developed properties being assessed. Then the fee and assessment roll must be adopted and ratified by resolution.

The Board approved Option 1: Adopt the Stormwater Assessment Roll and certify the roll to the Tax Collector and ratify the Stormwater Assessment Roll by the attached Resolution No. 03-37:

31. Acceptance of and Authorization to Record a Drainage Easement from Roger and Ive Nell Hewitt for Improvements Associated with the Miccosukee Meadows 2/3- 2/3 Project

The Board approved Option 1: Accept drainage easement for improvements associated with the Miccosukee Meadows 2/3 – 2/3 Project from Roger and Ive Nell Hewitt in favor of Leon County and authorize staff to record in the public records.

32. Acceptance of and Authorization to Record Drainage Easements for Improvements Associated with Outfall Conveyance into Roadside Systems

The Board approved Option 1: Accept drainage easements for improvements associated with outfall conveyance into roadside systems from Col. Raymond W. Gage II (Lot 28, Block "G), Killlearn Lakes, Unit 1 and Scott and Mary Barry (6026 Dome Level Road) in favor of Leon County and authorize staff to record in the public records.

33. Approval of Agreement with State of Florida Department of Agriculture and Consumer Services for Arthropod/Mosquito Control State Aid

The Board approved the agreement with Florida Department of Agriculture and Consumer Services for Arthropod/Mosquito Control State Aid and authorize the Chairman to execute the agreement.

Add-On

Resolution in Support of Board Approval of a Request that the Florida Wildlife Conservation Commission Give Priority to Funding the Restoration of Lake Munson with a Sediment Removal Project and Authorization for the Chairman to Enter into Discussions with the Florida Wildlife Conservation Commission (FWCC) Regarding Matching Funding

Chairman Grippa brought this item forward and explained the substantive issues regarding the request to the Conservation Commission (FWCC). Martha Wellman, Chairman of the Water Resources Committee, appeared and Teresa Heiker, Stormwater Engineer, responded to inquiries. Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve the attached Resolution R03-__ and authorize the Chairman to sign the letter to Mr. Ed Moyer with the FWC, which

allows the Chairman to enter into discussions with the FWC regarding matching funds

The Board then entered Public Hearings starting with Item 40.

Citizens to Be Heard on Non-Agendaed Items (3-minute; non-discussion by Commission)

Andrea Stephenson, 3240 Horseshoe Trail, appeared and spoke on the Killearn Lakes Flooding and septic tank issues and distributed an information sheet on organisms in sewage that may cause disease. She requested that the Board do whatever they can to resolve the problems.

General Business

34. Approval of Cultural Plan as Presented by the Cultural Plan Advisory Committee

This item requests Board adoption of the Cultural Plan as submitted by the Cultural Plan Advisory Committee (CPAC) at the July 22, 2003 Board meeting and imposition of the fourth cent tourist tax.

Commissioner Proctor inquired about the appointments to the Committee. Marjorie Turnbull, Cultural Resources, explained that the County will have eight appointees, seven from Commissioners plus the Chairman or his designee.

Commissioner Rackleff moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve Option 2: Authorize \$75,000 of the tentative FY 2003/2004 General Fund Contingency to be reallocated to the Cultural Resources Commission to support the implementation of the Cultural Plan.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to adopt the Cultural Plan as submitted by the Cultural Plan Advisory Committee.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve Option 5: Authorize staff to proceed with developing the appropriate ordinance amendments to impose the fourth cent of the Tourist Development Tax and

reallocation of one of the existing three percent to fund the construction of a Performing Arts Center. Staff was also directed to work with the TDC.

35. Approval of Methodology for Distributing Wildlife Preservation Funds and Fiscal Year 2003 Agency Reimbursement Requests

This item seeks Board direction on the methodology used to distribute Wildlife Preservation Funds (WPF) to wildlife rehabilitation groups, and approval to distribute \$35,050 in funds to four wildlife agencies.

Commissioner Sauls moved and was duly seconded by Commissioner Rackleff to approve Option 1: Approve the pay-for-performance funding methodology as shown in Attachment #6 and authorize the distribution of wildlife Preservation Funds as indicated: \$23,133 to St. Francis Wildlife Association; \$7,010 to Goose Creek Wildlife Sanctuary; \$3,505 to Florida Wild Mammals Association; and \$1,402 to Operation Wildlife Rescue.

Mr. John Johnson, 5580 Salem Road, St. Francis Wildlife, made recommendations on his methodology for distributing the funds. County Administrator Alam explained that the staff's recommendation of Option 1 would be "pay for performance."

Commissioner Thaele moved a substitute motion, seconded by Commissioner Winchester to approve Option 2: Approve the "per animal received" funding methodology as shown and authorize the distribution of Wildlife Preservation Funds as indicated: \$28,373 to St. Francis Wildlife Association; \$4,998 to Goose Creek Wildlife Sanctuary; \$1,358 to Florida Wild Mammals Association; and \$311 to Operation Wildlife Rescue. The substitute motion carried 4 – 3 (Commissioners Proctor, Rackleff and Sauls voted in opposition).

36. Review of Voluntary Annexation Proposal Revisions from the City to Annex Three Areas in the Southern Triangle

This item involves Board review of the voluntary annexation proposal from the City to annex three areas in the southern quadrant of Tallahassee west of the Woodville Highway, east of Crawfordville Road, and north of Capital Circle, SW. These three areas are: (1) Woodville Highway/Crossway & Ross Roads Revised #02-0-76AA1, AA2, AA3; (2) Woodville Highway/Shelfer Road Revised #02-0-74AA, and (3) Crawfordville/Shelfer Roads Revised #02-0-75AA.

The Board engaged in discussion about whether or not all residents in the annexation area had signed the petitions for voluntary annexation and if the areas met the statutory requirements for annexation.

It was the consensus of the Board to continue to object to the annexation proposal and direct the County Attorney to review the signed annexation petitions with parcel numbers and bring back a complete package.

A letter from a resident was mentioned and the County Attorney will provide it for the record.

37. Authorization to Schedule a Mayor/Chair Meeting to Discuss the Creation of a Joint City/County Stormwater Committee to Comply with the Tallahassee-Leon County Comprehensive Plan and to Review Various Options for the Development of a Stormwater Fee Formula for Use in the City and the County

Staff recommends a Mayor/Chair meeting be scheduled to include a discussion of the joint stormwater committee to refine or expand the findings of the 1995 joint committee. A particular item for review by the committee will be the stormwater fees of the respective jurisdictions.

Commissioner Thael moved and was duly seconded by Commissioner Sauls to approve Option 1: Authorize the scheduling of a Mayor/Chair meeting to discuss the creation of a Joint City/County Stormwater Committee to comply with the Tallahassee-Leon County Comprehensive Plan and to review various options for the development of a stormwater fees formula for use in the City and County.

The motion carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).

38. Board Consideration on Acquisition of Property and Scope of Appraisal Under Flooded Property Acquisition Program

This item is a request for Board consideration regarding the purchase of flooded property based on a "hypothetical" fair market appraisal, without consideration of the flooding history, or to further evaluate market to analyze any potential value reduction based on flooding history in determining the "actual" fair market value.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Options 1 and 2: 1) Accept appraised value under the "hypothetical" condition and authorize staff to proceed with a \$65,000 offer to Karen Visger; 2) Direct the County Attorney to authorize a scope of appraisal for future properties purchased under the Flooded Property Acquisition Program to reflect a "hypothetical" condition as though the property does not flood.

The motion carried unanimously, 6/0 (Chairman Grippa was out of Chambers)

39. Expirations, Vacancies and Appointments

Code Enforcement Board: Commissioners Grippa and Rackleff continued their appointments to the next Board meeting, September 16th.

Public Hearings

40. Public Hearing on the Proposed Allocation of Fiscal Years 2003-2005 Local Law Enforcement Block Grant (LLEBG)

Pursuant to the following legal advertisement, a public hearing was conducted.

Commissioner Maloy moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Options 1 and 2: 1) Conduct the public hearing on the proposed allocation of 2003-2005 LLEBG funds; 2) Approve the submittal of the grant application using the recommendations of the LLEBG Advisory Committee.

41. Public Hearing to Approve the Resolution Establishing the Annual Disposal Charge for the Solid Waste Non-ad Valorem Special Assessment in the Amount of \$40 per Residential Unit

Pursuant to the following legal advertisement, a public hearing was conducted.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Options 1 and 2: 1) Conduct the public hearing to approve the attached Resolution R03-48 establishing the annual disposal charge for the Solid Waste non-ad valorem special assessment in the amount of \$40 per residential unit for FY 2003-04; 2) Approve the attached Resolution R03-49 adopting the Special Assessment Roll for solid waste disposal and certification to the Tax Collector:

42. Continuation of Public hearing to Finalize the Design Plans for the Buck Lake Road Widening Project

Pursuant to legal advertisement, the Board entered discussion regarding the Buck Lake Road Widening Project, which was continued from July 22, 2003 to allow additional time for staff to address an issue involving access to one of the properties along the corridor. The Analysis Section in the agenda request explains the issue.

Lee Vause, P. O. Box 1236, Tallahassee, Fl., representing Fallschase, stated that he supported the plans.

Bob Weinstein, 4921 Buck Lake Road, former Vice-Chair of Buck Lake Road Citizen's Advisory Committee, stated that he was unaware of the changes in the plan and felt that many members of the CAC were not informed or knowledgeable about the final design plans. He also pointed out that he was opposed to 4-laning the road from Backwood to Davis roads and requested the County consider building a driveway on his property.

Zoe Kulakowski, 1320 Blockford Court, West, indicated that she supported the plans.

John Drew, 6527 Chevy Way, Buck Lake Alliance, reported that attempts were made to inform as many people as possible to attend the meeting where Public Works presented the detailed plans to the public.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Options 1 and 2: Conduct the public hearing and accept and approve the final design plans for the Buck Lake Road widening project, identified as the "Leon County, Department of Public Works, Construction Plans for Buck Lake Road (C.R. 1568), County Project No. BC-06-26-96-38 prepared by Baskerville-Donovan, Inc.," 2) Authorize staff to proceed with the acquisition of property for Buck Lake Road widening project in accordance with the plans.

The motion carried unanimously, 6/0 (Chairman Grippa was out of the Chambers).

43. Second Public Hearing on Proposed Ordinance for the Approval of Special Exception Land Development Proposals by the Board of Commissioners

Pursuant to the following legal advertisement, a public hearing was conducted on the proposed ordinance to subject all special exception land development proposals, as defined under the current land development code, to review and approval by the Board.

Commissioner Maloy moved and was duly seconded by Commissioner Winchester to approve Option 1: Conduct the second of two public hearings on the proposed ordinance and adopt the attached Leon County Ordinance Number 03-21.

The motion carried 5 – 1 (Commissioner Proctor voted in opposition and Chairman Grippa was out of Chambers).

44. Second Public Hearing on Proposed Ordinance to Adopt Special Master Hearing Procedures for Type B Site and Development Plans

Pursuant to the following legal advertisement, the second public hearing was conducted on the proposed ordinance to adopt special master hearing procedures for Type B site and development plan applications.

The following speakers appeared:

Becky Subrahmanyam, 1257 Cornerstone Lane, distributed a prepared "Summary of Problems with the New Special Master Process Proposed for a Type B Development" and read her comments in the record. She voiced concerns with the ordinance language.

The County Attorney responded to comments and suggestions made by Mrs. Subrahmanyam and explained that the items were addressed in the analysis.

Commissioner Proctor raised issues regarding the judicial review and County Attorney Thiele responded that he would look at the issue. He also advised that the notification issue would be addressed as requested by Commissioner Sauls.

Terry Arline, 3205 Brentwood Way, stated that she worked in the legislature and helped draft legislation for special master hearings. She gave an overview on why the legislation was drafted and the reason for the ordinance.

Commissioner Proctor moved and was duly seconded by Commissioner Maloy to approve Option 2: Conduct the second public hearing on the proposed ordinance but do not adopt the ordinance.

Following clarification from the County Attorney, Commissioner Maloy withdrew his second and then moved, duly seconded by Commissioner Rackleff to approve Option 1: Conduct the second public hearing on the proposed ordinance and adopt the attached Leon County Ordinance Number 03-22, with modifications to the notice requirement.

The motion carried 5 – 1 (Commissioner Proctor voted in opposition and Commissioner Winchester was out of the Chambers). See attached Ordinance:

45. First and Only Public Hearing on Proposed Ordinance Providing for Salaries for the Board of County Commissioners

Pursuant to the following legal advertisement, a public hearing was conducted on a proposed ordinance providing for salaries for the Board of County Commissioners.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried 5 – 1 (Commissioner Grippa voted in opposition and Commissioner Winchester was out of the Chambers), to approve Options 1 and 2: 1) Conduct the first and only public hearing and adopt the proposed Ordinance Number 03-23 providing for salaries for the Board of County Commissioners; 2) Adopt the attached Resolution R03-50 Designating the amount of each Commissioner's annual salary for Fiscal Year 2003/2004.

46. First and Only Public Hearing on the Proposed Ordinance
Repealing the Municipal Services Taxing Unit for Fire Protection

Pursuant to the following legal advertisement, a public hearing was conducted on a proposed ordinance to repeal Ordinance No. 03-20, which created the Municipal Service Taxing Unit for Fire Protection Services in the unincorporated areas of Leon County.

Commissioner Sauls moved and was duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Conduct the first and only public hearing on the proposed Ordinance Repealing the Fire Services Municipal Service Taxing Unit and adopt the attached Leon County Ordinance Number 03-24:

47. First and Only Public Hearing on the Proposed Ordinance
Repealing the Water/Sewer Franchise Fee

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Maloy moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Conduct the public hearing regarding repeal of Section 18-31, C, Section 18-32 and Section 18-33(a)(1), Leon County Code of Laws, and adopt the proposed Leon County Ordinance Number 03- 25 effectuating same:

An Ordinance of the Board of County Commissioners of Leon County, Florida, eliminating the Water/Sewer Franchise Fee; Repealing Subsection 18-31,C, of the Code of Laws of Leon County, Florida Entitled "Statement of Revenues"; Repealing in its Entirety Section 18-32 of the Code of Laws of Leon County, Entitled "Annual Fees"; Repealing Subsection 18-33(A)(1) of the Code of Laws of Leon County, Florida, Regarding Default For Failure to Pay the Annual Fee; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

- 48. First and Only Public Hearing on the Proposed Ordinance Imposing the Communications Services Simplified Tax Rate at 5.22% in Leon County

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Conduct the first and only public hearing and adopt the attached Leon County Ordinance Number 03- 26 imposing the Communications Services Simplified Tax Rate:

**An Ordinance of the Board of County Commissioners
Of Leon County Florida, Creating Article XXI of Chapter 11
Of the Code of Laws of Leon County Florida, Entitled
"Communications Services Simplified Tax Rate"; Providing for
Severability; and Proving an Effective Date**

Add-On Item (Public Hearing)

Public Hearing on a Planned Unit Development (PUD) Concept Plan Modification and Rezoning Application Request of Westminster Services (Westminster Oaks Development)

Pursuant to the following advertisement, a public hearing was conducted on a proposed ordinance amending the Official Zoning Map, proposing the rezoning of approximately 4.2 acre parcel presently located within the RP Residential Preservation zoning district and approximately a 14.3 acre parcel presently located within the RP Residential Preservation zoning district through their inclusion within the Westminster Oaks Planned Unit Development zoning district (PUD-24). The application also proposes numerous modifications to the Westminster Oaks PUD Concept Plan. The applicant is Westminster Services.

Tony Biblo, Planning Department, appeared and explained the request.

Nancy Linnan, representing the applicant, stated that she agrees with staff's report and has worked out the emergency access issue.

Commissioner Maloy moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve Option 1: Approve the application, amending the Official Zoning Map from the R-1 Single Family Detached zoning district and the RP Residential Preservation zoning district to the PUD-24 Westminster Oaks Planned Unit Development district and modifying the concept plan as proposed, subject to the conditions recommended by the Tallahassee-Leon County Planning Commission. See attached Leon County Ordinance No. 03-27:

An Ordinance Amending Leon County Ordinance No. 92-11 to Provide For a Change in Zone Classification From RP Residential Preservation and R-1 Single Family Detached Residential Zoning District to PUD-24 Westminster Oaks Planned Unit Development Zoning District and Amending the Concept Plan for PUD-24 Westminster Oaks Planned Unit Development Zoning District Establishing Permitted Uses, Development Intensities, Building, Site Design, Access, and Other Development Standards For That Planned Unit Development, In Leon County, Florida; Providing For Conflicts; Proving For Severability; and Providing An Effective Date

Discussion Items by Commissioners

Commissioner Rackleff

49. Board Direction Regarding County Assistance for Recurring Flooding of Loretta Ranieri Residence at 6702 Chevy Way

Commissioner Rackleff brought this issue forward for Board consideration and gave an overview of the situation. The urgency of the situation with Ms. Ranieri's residence prompted him to bring this item for discussion. Staff was notified earlier so they could prepare to address the issues at today's meeting. The agenda request specifies options and recommendations by Commissioner Rackleff, although other options could be explored. Ms. Ranieri and her neighbors, headed by Mr. Rich Budell, are seeking relief from the flooding that repeatedly occurs inside her home first reported during the summer of 2001. This summer, the yard has remained so saturated that just 2 inches of rain in 24 hours brings water to the crest of her home's front door threshold, and continuous pumping has been necessary since the end of July.

The following speakers appeared:

Michael Bateman, 6937 Hanging Vine Way, member of the Science Advisory Committee (SAC) appeared and showed the topography of the area surrounding Ms. Ranieri's home. He pointed out that there will always be water in her home after a rain event and requested that the Board provide assistance.

Richard Budell, 6712 Chevy Way, displayed pictures illustrating the extent of the flooding of Ms. Ranieri's home.

Walt Schmidt, 6663 Chevy Way, stated that Ms. Ranieri lives in a closed basin and water will always enter her home. He asked the Board to assist.

Fran Sullivan-Fahs, 7600 Mill Pond Hoop, appeared and stated that she is Ms. Ranieri's neighbor and talked about the need to buy out homes that flood.

Jimmy Jones, 6703 Chevy Way, remarked that he supports the Board's acquisition of flooded property.

Bill Foresman, 6997 Hanging Vine Way, voiced support for Ms. Ranieri's request to purchase her property.

Cynthia Ponder, 6702 Chevy Way, requested that the County buy out the flooded properties.

Loretta Ranieri, 6702 Chevy Way, explained the severity of her flooding problem and requested that the Board buy out her home since it is not marketable because of the flooding.

The Board discussed possible solutions to flooding, the flooded property acquisition list, funding sources and other related issues. The Board also engaged in discussion regarding the Intergovernmental Agency criteria for placing projects on the Blueprint 2000 project list.

Vice-Chairman Sauls assumed the Chair and Commissioner Grippa moved, duly seconded by Commissioner Winchester to place Ms. Ranieri's residence on the Flooded Property Acquisition List.

The Board indicated the need to address flooding throughout the entire County and to develop a priority list. Ms. Teresa Heiker, Stormwater Engineer, stated that the preference would be to attempt to contact those persons that have not sought flooding assistance even though they have experienced flooding.

Commissioner Proctor questioned the application of the process and criteria as it relates to his District.

Following a lengthy discussion, the Board directed staff to prepare a prioritized Countywide list of flooded properties, using various methods to broadcast to inform and include those persons that have not sought flooding assistance previously, although they have experienced flooding, and direct the County Attorney to bring back an agenda item regarding possible development Code and permit changes to address developments' effect on flooding.

The motion on the floor carried unanimously, 7/0.

Commissioner Grippa

50. Request for Participation and Funding of the "Welcome To Tallahassee" DVD

This item was brought forward by Chairman Grippa and is a request from Mike Vasilinda Productions, Inc., for the County's participation and funding of a "Welcome to Tallahassee" DVD. The

purpose of the DVD is to market Tallahassee to prospective new residents as a viable place to locate a business, become employed, retire, or get an education. The project will also market the project sponsors' companies, services and associations to new residents.

Commissioner Maloy moved and was duly seconded by Commissioner Sauls to approve Options 1 and 2: 1) Approve Board of County Commission participation and funding of the "Welcome to Tallahassee" DVD project in the amount of \$4,000; 2) approve the attached budget amendment request for \$4,000 to be taken from General Contingency Fund: Commissioner Maloy amended his motion to send the request to the Tourist Development Council to see if they would fund this and bring back to the Board. The motion as amended carried unanimously, 7/0.

Add-On (presented by the Chairman)

51. Request to Consider the Flooding/Public Health Crisis in the Killearn Lakes Neighborhood and other Water Quality and Flooding Issues

This item requests Board consideration of the flooding/public health crisis that is occurring in the Killearn Lakes area. Chairman Grippa explained that he brought this item to the Board because there is a public health crisis existing in the neighborhood. Recent heavy rainfall has caused septic tank failures resulting in standing water contaminated with human waste, and the flooding of homes.

The following speakers appeared and requested that the Board assist with the flooding and sewer problems:

W. Neil Marvin, 7803 Thornhill Lane, served as president of Killearn Lakes Homeowners Association during 1986-88. He stated that during that time, the residents faced similar problems as the ones today. He explained that the County accepted the road system and installed limited curbing to eliminate the sheet flow concept. There are 1,500 homes in Unit 1 and 2 and all of them are on septic tanks.

Jim Stephenson, 3240 Horseshoe Trail, Vice President of Killearn Lakes Homeowners Association, requested assistance with the flooding and septic tank problems.

Libby Mitchell, 1879 Log Ridge Trail, spoke about the permitting of additional homes when there was already flooding problems in the area.

Bruce McCormick, 1286 Bannerman Road, asked that when solving the problem in Killearn Lakes that the Board remember homes in adjacent areas.

James Hiatt, 3512 Rosemont Ridge Road, referred to an email that he sent out about the problems.

Jerry Goodie, 8556 Bannerman Bluff Drive, indicated that the issue involved sewer management problems.

Paul Harris, 3516 Chefokee Ridge Trail, voiced concern about raw sewage going downstream.

Linda Andrews, 3316 Milandry Trail, spoke about the flooding problems and showed pictures of her home.

Bill Heiman, 9892 Deerlake East, spoke about the flooding and sewage issues.

Richard Thoma, 3412 Valley Creek Drive, pointed out that the County should not continue permitting homes in the area.

Brad Trotman, 1738 Armistead Place, Executive Director of Killlearn Lakes, pointed out the severity of the problem with 41,000 homes in Killlearn Lakes.

John Kraynak explained the drainage patterns in the Killlearn Lakes DRI (development of regional impact) noting that the majority of the water flows into the Chain of Lakes which goes ultimately drains into Lake Iamonia.

Teresa Heiker, Stormwater Engineer, explained the use for the Blueprint 2000 money. Of the \$25 million that had been identified for water quality, \$5 million was identified in the interlocal agreement between the City and County for retrofit of existing County facilities. Of the \$20 million remaining, there was a series of projects reviewed by the Board in October 2001 and that list was forwarded to the IA (Intergovernmental Agency) and a criteria was developed by which the IA gave authority to IMC to approve projects that meet the criteria for water quality enhancement. Ms. Heiker pointed out that the three projects off the top that were approved by the IA in June 2002 were the Okeeheepkee Retrofit, the Lexington Road Facility, and Rhoden Cove Facility and other series of projects. Ms. Heiker explained that the cost identified at the time totaled \$6.2 million which was reserved for the three projects, but they are continuing to pursue funding participation from the Corp of Engineers and other funding sources throughout the state. She pointed out that the series of projects exceed the \$20 million but staff is trying to work with the criteria to identify the specific information that the consultant has requested to specify the water quality benefit of each of the projects. Also, regarding the funds that are held in reserve - there have been projects identified by the Board but the criteria has not been documented so staff has attempted to provide documentation to the consultant.

Commissioner Thaeil stated that if the projects meet the criteria established by the IA, he does not oppose looking at a certain amount such as \$5 million. Chairman Grippa suggested taking

the septic tank program and flood mitigation in Killearn Lakes (all but \$8 million is encumbered) and send it to the Intergovernmental Agency through ERD (Environmental Research Design) to see if it qualifies under the Blueprint monies. Commissioner Thael stated that viable solutions could only come from a partnership to include Talquin Electric, the homeowners, and the County. He also circulated material regarding low-pressure sewer systems and effluent sewer.

Jim Davis, IA, stated that the IA has established criteria for approving the projects - there is a problem in Killearn Lakes, but the project to fix the problem has not yet been identified. The project may fit the criteria that has been established. Mr. Davis suggested that the Board determine the project and then submit it to the IA through a procedure that has already been determined, then the Board must prioritize all of the approved projects and determine which ones are to be implemented with the \$25 million. Chairman Grippa listed projects that were submitted through the Blueprint process and were turned down by ERD. He stated that the County should look at the countywide septic system and figure out a way to move to a sewer system.

Commissioner Winchester stated that the Board needs to prioritize projects, identify funding sources, and look at the flooding, stormwater, water quality issues Countywide.

Following a lengthy discussion, Commissioner Proctor moved and was duly seconded by Commissioner Maloy to approve Options 2 and 3 (as amended with additions shown underlined):

Option 2: Reconsider the vote that was taken at the IA meeting of June 17, 2002 that removed the Board of County Commissioners from the decision-making process of how to spend the remaining \$20 million in Blueprint 2000 Water Quality Program funding and direct staff to agenda reconsideration of this issue at the September 9, 2003 IA meeting; and if successful, restore \$5 million for the Killearn Lakes project;

Option 3: Direct staff to immediately present the Killearn Lakes and other countywide central sewer projects to ERD with supporting data for consideration of Blueprint 2000 Water Quality Program funding; direct staff to also bring back items to the Board that explores 1/3-1/3-1/3 cost share (between Leon County, the Killearn Lakes Homeowners

Association, and Talquin Electric) for the installation of the central sewer in Killearn Lakes; direct staff to explore the moratorium on new development in Killearn Lakes Unit 1 and 2, and consider annexation and/or City sewer. He also spoke about having a workshop with Talquin, City, and Homeowners.

The Board engaged in further discussion about solutions for the flooding problems and funding of projects.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Thaell to approve Option 3 as modified with the addition as underlined:

Option 3: Direct staff to immediately present the Killearn Lakes central sewer projects to ERD with supporting data for consideration of Blueprint 2000 Water Quality Program funding; direct staff to also bring back items to the Board that explores 1/3-1/3-1/3 cost share (between Leon County, the Killearn Lakes Homeowners Association and Talquin Electric) for the installation of the central sewer in Killearn Lakes; earmark \$5 million of Blueprint monies for the Killearn Lakes project; in due time staff would come up with countywide plan and consider funding options for that. The item would be brought back as an agenda item and at that time would determine if a workshop is necessary.

Commissioner Rackleff indicated that he was troubled with how the motion is worded because the 1/3-1/3-1/3 method is a new funding mechanism. He suggested changing the language to **"explores various cost sharing scenarios."** **Commissioner Winchester amended his substitute to motion to change the language accordingly.**

Commissioner Rackleff talked about the moratorium and asked how many permits there were in Units 1 and 2 which are about to commence. Mr. Ray Burroughs, Building Inspection, explained that at any given time there would be less than 6 lots in the permitting stream. It was noted that there are approximately 310 undeveloped lots in Units 1 and 2.

The Board concurred that staff would come back with recommendations on what to do about the lots that are undeveloped because if developed, they could exacerbate the problem; recommendations would range from a moratorium to new permitting requirements.

Commissioner Rackleff asked if environmental standards for new construction were adequate and if they are not, wanted to know what could be done to make them adequate. County Attorney Thiele explained that environmental regulations which do not otherwise implement the Comprehensive Plan can be applied, even vested lots; the issue is the existence of the lots themselves which will have to be addressed.

Commissioner Sauls spoke about the mound septic tanks and explained that there are many places in her district where traditional septic tanks cannot be placed. She indicated that she would not support putting a moratorium on mound septic tanks at this time. **The Chairman recommended that the Health Department staff bring back information on the number of mound septic tank failures versus other types of septic tank failures (engineered systems) that have come about recently (explore septic tanks with ERD).** Mr. Alex Mahon, Health Department Director, explained that there were a few engineered septic tank systems in Unit 1, which failed but were repaired; he is monitoring those and will provide the data as requested.

The substitute motion, as amended, carried unanimously, 7/0.

Chairman Grippa requested that Mr. Jim Davis, IA, talk to ERD and find out why they disapproved the Proctor Watershed and the Munson Dam.

Discussion Items by Commissioners

Commissioner Winchester

- a. Welcomed everyone back from summer break.
- b. Referred to the July 22, 2003 Commission Meeting when the Board made a decision to place in the budget, funds for various parks and branch libraries. Commissioner Winchester stated that he hopes that the Board continues to support this funding.

Commissioner Maloy

Reminded the Board about the Community Meetings, which will be held next week. It was noted that the District I Community Meeting had not yet been rescheduled and the Board would be notified when it was.

Commissioner Sauls

Pointed out that some mobile homes in her district have been permitted but owners are not building driveways according to the

permit (not putting in culverts, filling in ditches) resulting in flooding problems. After the Certificate of Occupancy (CO) is issued and the electricity is turned on, there is no further inspection and incentive to build the driveway according to Code. Commissioner Sauls stated that neighbors are complaining because water is backing up and suggested that the policy be changed that requires driveway permits to be enforced before the final inspection and power is turned on.

Commissioner Thael

- a. Advised that he will bring a proposal to be placed on the next agenda, September 16, 2003, about the "After School Jazz Jam Program," a community partnership with the City of Tallahassee, FSU, FAMU, the Women's Club of Tallahassee, Communities in Schools and the Boys and Girls Club. They are requesting a modest amount of funding.
- b. Welcomed Jennie Khoen as the new Public Information Officer.
- c. Commended Commissioner Proctor as the great American Softball Pitcher during the game held with the media. Money was raised for the Community Action Committee and the game will be an annual event.
- d. Restated his preference to have the \$1.75 million formerly budgeted for the purchase of the Growth and Environmental (EMG) relocation, now allocated for the Northwest Library, be allocated to the Emergency Management Services (EMS) Program in the first year since it would reduce or eliminate the need for ½ mill MSTU tax next year and future years. Commissioner Thael requested that staff bring this back as an agenda item. He also indicated that he was still dedicated to the branch libraries.

Commissioner Proctor

- a. Announced that Tallahassee Memorial Healthcare, in conjunctions with FAMU University Center for Equity and Cultural Diversity and FAMU Department of Recreation, will be hosting the National Spirit of Women Day of Dance on September 24th to promote women's health and fitness.
- b. Reported that U. S. Congressman Maxine Waters will be attending the "Women's Power Conference" at the Gadsden County National Armory in Quincy, and speaking on women's empowerment issues. Tickets are available.

- c. Circulated an article in the *St. Petersburg Times* of August 16th which states that the proposal for a State Water Board could be on the agenda in a special session of the Legislature as early as October. The State Water Boards is considering routing water from rural to booming areas and encouraging private water development on state land. Commissioner Proctor stated that he has been recommending that a meeting be conducted with Wakulla County regarding the matter. The Chairman asked that staff provide a meeting schedule. Commissioner Proctor stated that he has drafted a letter that he would like the Board to look at.
- e. Requested to agenda a request from Essence Girls Basketball Club to support their travel to tournaments. OMB noted that there are no funds available in the Youth Sports account. Commissioners Grippa and Winchester indicated that they had money left in their travel account which they could use to fund the request. The County Administrator advised that the Board would have to vote on the budget transfer and the item would be brought back on the next agenda.

Commissioner Rackleff

- a. Indicated his concern about the Wakulla project, which proposes to build 1,000 single family dwellings and 250 apartment units, which will be constructed on the Wakulla County/Leon County border. Commissioner Rackleff asked that staff provide at the next Commission meeting, an evaluation of transportation and other impacts of the development on Leon County. This item should also be discussed at the next MPO meeting.
- b. Advised that a property owner, Lacy Kacer, in Frontier Estates has asked for a lien satisfaction from the Board against his property in the 2/3 – 2/3 project. The County Attorney and appropriate staff would investigate and report back.
- c. Requested that staff bring back to the Board, information about locating two soccer practice fields on the landfill site.

Chairman Grippa

- a. Congratulated Agatha Salters, M/WBE Coordinator, who is being honored on August 28, 2003 as one of the Arts Volunteers of the Year for her work with Tallahassee Ballet. Tickets are available for the event.
- b. Requested adoption of a resolution for Tallahassee Firefighters for their efforts in finishing first place in a national competition and earning the title "Extraction from Vehicles."

There being no further business to come before the Board, the meeting adjourned at 11:07 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court